

THE CITY OF WARWICK  
STATE OF RHODE ISLAND

APPENDIX A

ZONING

No..... Date.....

Approved.....Mayor

AN ORDINANCE RELATIVE TO AMENDMENT OF THE WARWICK ZONING  
ORDINANCES: DEFINITIONS SECTION 200, ESTABLISHMENT AND  
CLASSIFICATION OF DISTRICTS SECTION 300, (NEW SECTION) SPECIAL  
REGULATIONS IN SECTION 509, ACCESSORY USE SECTIONS 601.2 AND 601.10 OF  
APPENDIX A, ZONING ORDINANCES.

Be it ordained by the City of Warwick:

Section I. Appendix A of the City of Warwick Code of Ordinances is hereby amended as follows:

[ . . . ]

SECTION 200. - Definitions.

Contaminated site. A property (1) that has been identified and confirmed by the Rhode Island Department of Environmental Management (RIDEM) as having contained a hazardous material contamination; (2) on which remediation activities were conducted to the satisfaction of RIDEM as documented within a “Letter of Compliance” or an “Interim Letter of Compliance,” and (3) for which RIDEM has required the use of the property to be restricted through an Environmental Land Use Restriction.

Solar energy system, accessory. A solar energy system that is incidental and subordinate to the principal use(s) of the parcel or development including the following:

- (a) Roof or building-mounted energy-generating panels;
- (b) Solar canopies.

Solar energy system, ground-mounted. A solar energy system that has a support structure fixed or secured to the ground through the use of structural footings, ballasts, and is restricted to contaminated sites only.

- 1 *Solar energy system, canopy.* A solar energy system that has a support structure secured to the
- 2 ground through the use of structural footings and is restricted to paved areas such as parking lots.
- 3
- 4 *Solar energy system, roof- or building-mounted.* A solar energy system that is structurally mounted
- 5 to, structurally ballasted, or integrated into the design of the roof or any other architectural aspect
- 6 of a building or structure.
- 7 [ . . . ]

1 **SECTION 300. – Establishment and Classification of Districts.**

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TABLE 1. USE REGULATIONS

Zoning Districts	OS	A-40	A-15	A-10	A-7	O	WB	GB	LI	GI	<i>Inter-modal</i>	<i>Gate-way</i>	<i>Village District</i>
600 Transportation, communication and utility uses:													
<del>608 Electric Power Plant</del>	<del>No</del>	<del>S</del>	<del>No</del>	<del>No</del>	<del>No</del>								
608 Accessory use solar canopy	No	No	No	No	No	Yes	No	Yes	Yes	Yes	No	No	No
612 Contaminated Site Solar energy system	No	Yes <sup>28</sup>	Yes <sup>28</sup>	No	No	No							
613 Accessory use rooftop solar	No	Yes	Yes	Yes	Yes	Yes							

6  
7 <sup>28</sup>Subject to all applicable review procedure and performance standards outlined in Section 509.

1 **509. - Administrative procedures for solar energy systems on contaminated sites.**

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3 The purpose of this section is to spell out review procedures and standards for solar arrays for  
4 contaminated properties.

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6 509.1 Review procedures. Contaminated sites (i.e. brownfield sites) subject to solar energy  
7 systems shall require Planning Board review in accordance with Major Land Development  
8 review provisions.

9 Any system located in a historic overlay district in view of a public ROW as determined by  
10 the Building Official, must obtain a Certificate of Appropriateness in accordance with Section  
11 311.

12 509.2 Performance standards. These standards shall be required in addition to the Major Land  
13 Development review procedures set forth by RIGL 45-23 and the City's Subdivision and Land  
14 Development Regulations. The standards set forth herein will ensure that solar energy systems  
15 are compatible with the surrounding area, provide for public safety, and minimize impacts on  
16 scenic, natural, historic resources, and abutting properties.

- 17
- 18 (A) SES panels and equipment shall be sited (as evidenced by photographs taken from  
19 abutting properties and rights of way) within the project site to minimize adverse visual  
20 impacts to nearby properties and public rights of way.
  - 21 (B) All solar energy systems shall, at minimum, employ the zoning setback requirements in  
22 Table 2 A & B, entitled Dimensional Regulations. The Planning Board shall reserve  
23 the right to increase setbacks to minimize visibility of the system as a result of  
24 information learned through public hearings.
  - 25 (C) The maximum height of a ground-mounted solar energy system shall be 10 feet.
  - 26 (D) To prevent glare on adjacent properties and mitigate public safety potential, only matte  
27 finish, and non-reflective panels shall be utilized.
  - 28 (E) The applicant shall submit an independent, pre-development noise study for which a  
29 baseline shall be established indicating general background noise in perimeter areas  
30 adjacent to neighbors averaged over several weeks. A post startup noise study shall be  
31 executed to ensure no increase in noise occurs from the facility. Noise mitigation must  
32 be employed for solar energy systems responsible for an increased decibel level of 3dB.
  - 33 (F) Accessibility for emergency service vehicles is required along with clearly-marked  
34 procedures for shutting down the solar energy system.
  - 35 (G) A public safety preparedness and response plan detailing the standards, procedures, and  
36 communication protocol to be utilized for the system and in the event of an emergency  
37 shall be provided to the City's emergency management agency director, as well as  
38 documentation indicating that the plan has been distributed to the fire department.
  - 39 (H) Contaminated sites shall be remediated and properly capped in accordance with State or  
40 Federal remediation standards as part of the development.

- 1 (I) Unless required by ELUR, no substantial clearing or grading of the proposed project  
2 site shall have occurred five (5) years prior to submission of the application for an SES  
3 based on a review of aerial photography provided by the applicant.
- 4 (J) Clearcutting outside of the immediate array area is prohibited unless required by  
5 remediation permit. A reforestation plan prepared by a certified forester (CF) or  
6 registered landscape architect shall be required to minimize view shed nuisance from  
7 the perspective of abutters.
- 8 (1) A combination of natural vegetation, berms, fencing, walls, and other similar  
9 features shall be used to visually buffer the system(s) from the view of abutting  
10 properties, as well as mitigate noise, glare, or other potential nuisances.
- 11 (2) No insecticides shall be utilized to promote pollinator growth at any time during  
12 the life of the project.
- 13 (3) Buffer plantings shall be maintained for the life of the project by the owner,  
14 applicant, and or operator of the facility.
- 15 (4) A 1 to 1 tree replacement effort shall occur within the City for all trees requiring  
16 removal that are of 20 inches in diameter or larger. All newly-planted trees shall  
17 be a minimum of 3 inch caliper at breast height.
- 18 (5) Soil erosion and sediment control systems shall be maintained at all times in  
19 accordance with RIDEM wetlands permit(s), and local regulations.
- 20 (K) Neither blasting nor removal of ledge by mechanical means is allowed.
- 21 (L) Pollinator mix is required, shall be supported by a maintenance plan, and contain  
22 annual reports supplied by the applicant's landscape architect until the pollinator mix  
23 approved by RIDEM is established. Disturbed topsoil shall remain onsite unless  
24 removal is required by remediation permit(s).
- 25 (M) Utility connections shall be underground, equipment screened from view with plantings  
26 or fencing, and approved by the utility company as part of the Final Plan Application.
- 27 (1) Interconnection agreement shall be compliant with Code of Ordinance Section 74-  
28 52, Renewable energy system tax exemption, and submitted with the Final Plan  
29 Application.
- 30 (2) A comprehensive development pro forma including but not limited to land cost  
31 (lease or purchase, equipment cost, construction, decommission cost etc., shall be  
32 submitted with Final Plan application.
- 33 (N) Perimeter fencing shall be raised a minimum of 8 inches for wildlife passage and be  
34 comprised of black coated chain link fence.
- 35 (O) A sign shall be posted at the entry of the SES displaying the name of the owner and  
36 operator of the system and a twenty-four (24) hour emergency contact number.
- 37 (P) SES systems shall provide for motion detect lighting in maintenance areas and dark sky  
38 compliant lighting elsewhere.
- 39 (Q) Applicant shall provide a decommissioning plan and cost estimate with the Preliminary  
40 Application, and surety funds provided with the Final Plan Application to ensure  
41 adequate removal at the end of useful life or abandonment.

- 1 (1) Funds deposited shall be equal in amount to removal of the system, as verified by  
2 the City’s peer review engineer, inclusive of 2% annual inflation over life of the  
3 system with funds deposited into an interest bearing escrow account under City  
4 control. City peer review engineers shall afford the City the right to evaluate the  
5 inflation rate every 5 years.
- 6 (2) A separate surety of an amount equal to the cost of repairing 100% of the pollinator  
7 mix, as established by the City’s peer review engineer during Preliminary  
8 Application review, shall be submitted with the Final Plan Application.
- 9 (3) Within one week after permanent shutdown, the owner, applicant, and or operator  
10 shall notify the Building Official and remove the system within 6 months of said  
11 notification. The City shall utilize escrow funds to remove all or remaining system  
12 components beyond six months, with owner, applicant, and or operator liable for  
13 all expenses beyond escrow, should escrow be exceeded. City shall retain the right  
14 to fine the owner in accordance with local ordinances.

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16 601.2 (A) A building or use accessory to a dwelling, including an attached, detached garage,  
17 carport, or solar canopy, shall not be located in any required front or corner side yard....

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19 601.10. *Accessory solar energy systems (SES)*. Accessory SESs shall require a building permit  
20 only, shall not require Planning Board review as land development projects, and shall be  
21 subject to the following requirements:

- 22 .
- 23 (A) Roof or building mounted SES must not increase the footprint of the structure.
- 24 (B) Accessory solar canopies in non-residential zones shall comply with all operating  
25 standards outlined under Section 604.
- 26 (C) *Color and materials*. Solar canopies shall be visually and architecturally compatible with  
27 the building, in terms of color, lighting, and basic form. Where appropriate, integrated  
28 artwork, trim additions, or other such design features shall be used to improve  
29 architectural compatibility. Ground level casings, conduits, and other electronics shall be  
30 given similar treatment as the main structures of the solar canopies.
- 31 (D) Solar canopies shall include, by AASHTO or equivalent standards, lighting beneath  
32 canopies to ensure pedestrian and vehicular safety.
- 33 (E) Accessory solar canopies shall be shut down in the event of an abandonment or vacancy  
34 of the primary use of the property to ensure public safety and ensure employment is not  
35 displaced by solar canopies.

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37 Section II: This Ordinance shall take effect upon passage.

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40 SPONSORED BY:

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42 COMMITTEE: ORDINANCE